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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,481	10/15/2003	Yu-Jiun Wang		8931

25859 7590 11/10/2005  
WEI TE CHUNG  
FOXCONN INTERNATIONAL, INC.  
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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,481	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first office action on the merits of application SN 10/648,030.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference sign(s) for the fixing ears mentioned in paragraph 27 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

1. The amendment filed 9/23/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The blocking slot formed of a blocking plate in line 5 of claims 5 and 13.

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Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The addition of the blocking slot formed of a blocking plate in line 5 is new matter.

***Claim Rejections - 35 USC § 103***

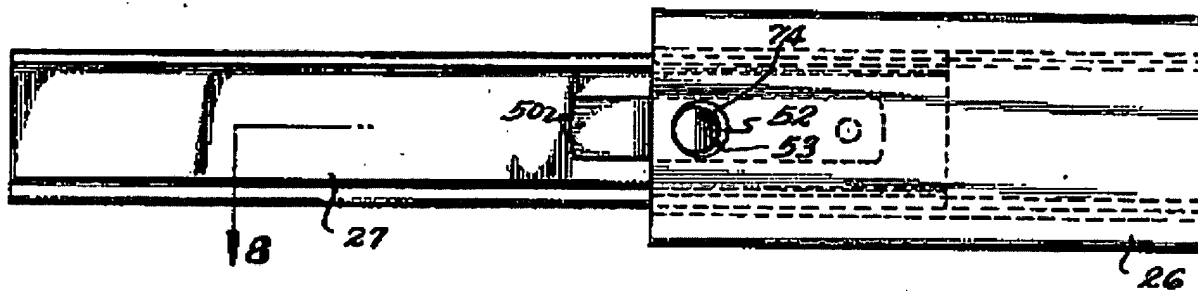
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-7, 10, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,133,768 to Klakovich in view of U.S. Patent 1,301,495 to Otte and U.S. Patent 3,059,986 to Miller. Klakovich '768 discloses a rail assembly (22) used to support electronic components. A rail bracket (25, 29) is fixed to a sidewall

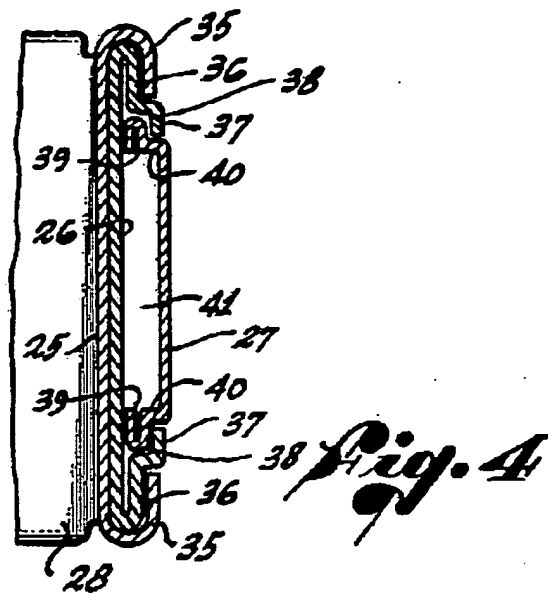
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of a cabinet. An outer rail (26) is movable to the rail bracket (25, 29). An inner rail (27) is movably received in the Outer rail (26). A blocking member (53) on the outer rail (26) and engages with an acting member (52) to cause concurrent movement of the inner rail (27) and the outer rail (26) (Col. 4, line 3-14; Col.3, line 51-62).



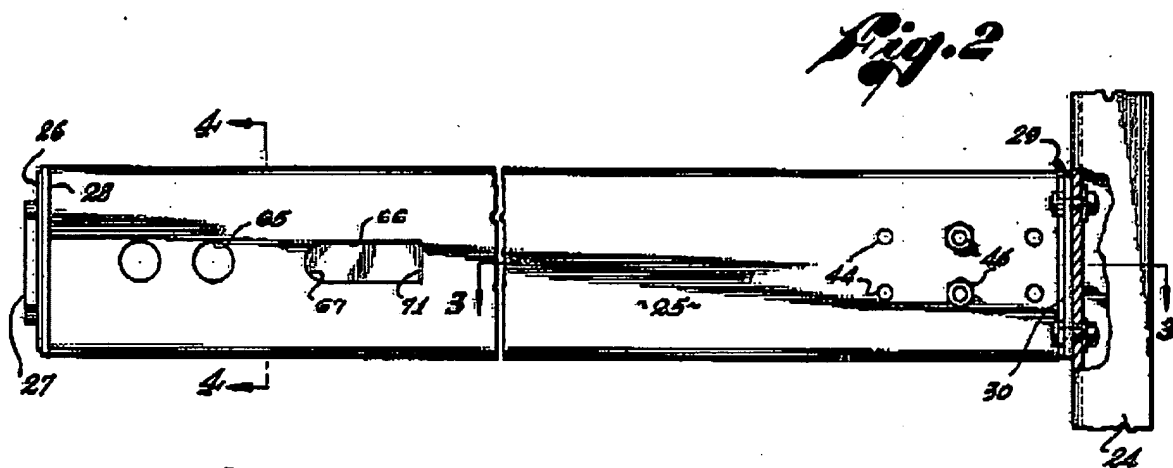
Klakovich '768 Fig. 7

6. The inner rail (27) has flanges (39) that fit into guiding portions (38), which are created on the outer rail (26) with lip (37). Railings (36) of the outer rail (26) slide in guiding portion (35) of the rail bracket (25). The inner rail (27) and the outer rail (26) have base plates that are the straight portions defined on both sides of the gap (41).



Klakovich '768 Fig. 4

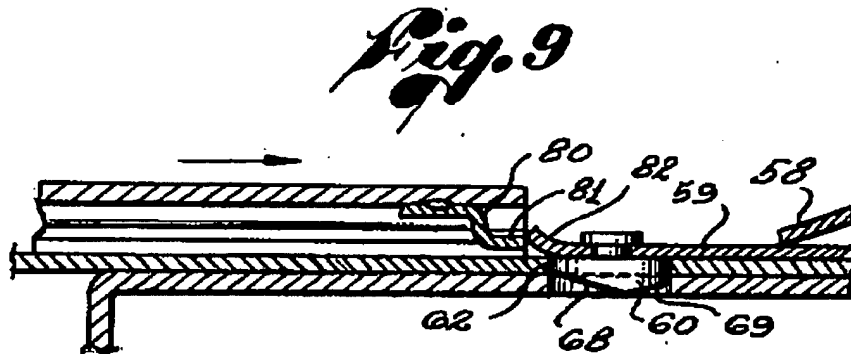
7. The rail bracket assembly includes a first part (25) that includes an adjustable bracket (29) that mounts to a cabinet. The bracket (29) is adjustably connected with multiple holes (44) and bolts (46) to the first part (25).



Klakovich ('768) Fig. 2

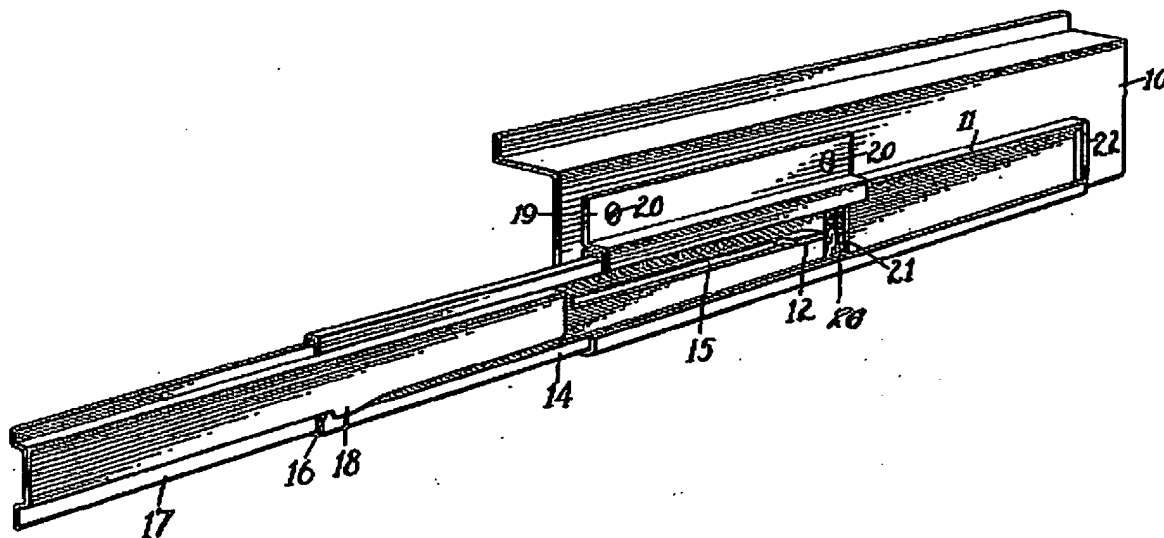
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8. The rail assembly includes plate (59) attached to outer rail (26), which abuts to the tab (81) that is attached on inner rail (27) and prevent movement between the inner rail (27) and the outer rail (26).



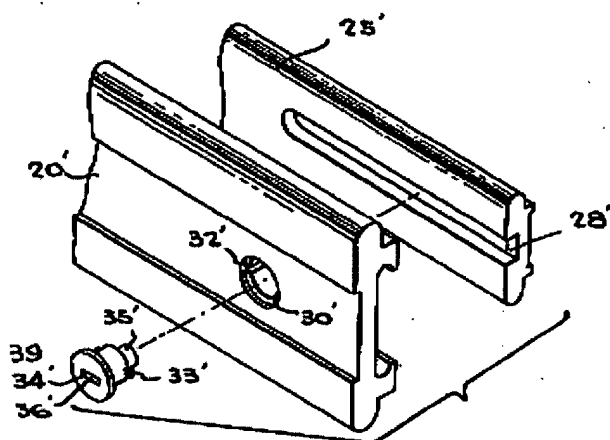
Klakovich ('768) Fig. 9

9. Klakovich '768 does not expressly disclose the blocking member as a slot from the rear edge of the outer rail and the acting member as a protrusion directly stamped from the first base plate. Otte '495 discloses a rail assembly with a rail bracket (11,19) mounted in a sidewall of a cabinet. An outer rail (14) is movably received in the rail bracket (11) and a inner rail (17) is movably received in the outer rail (14). An acting member (18) is formed on the inner rail (17) and engages a blocking member (16) on the outer rail (14) as to urge the outer rail forward to fully extend the rail assembly. A slot (15) is formed in the outer rail (14) and is engaged by a protrusion (12) that is directly stamped from the rail bracket (11). When the outer rail (14) is fully withdrawn then the protrusion (12) abuts a distal end of the slot (15) to stop the relative movement of the outer rail (14) to the rail bracket (11).



Otte '495 Figure 6

10. Neither Klakovich '768 nor Otte '495 disclose expressly that the slot communicates with a rear edge of the outer rail. Miller '986 discloses a rail assembly with a slot (28') that extends out of the rear of the inner rail (25') as seen in figure 14. The slot (28') interacts with an acting member (35') of the outer rail (20').



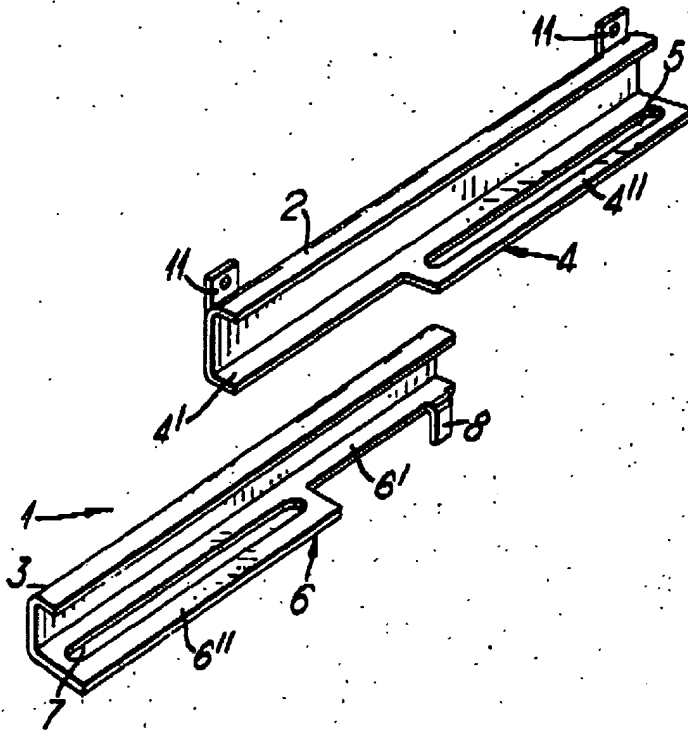
Miller '986 Figure 14



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11. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the rail assembly of Klakovich and use the teaching of Otte to replace the acting member (52) with the protrusion (12) and to use the teaching of Otte and Miller to modify the blocking member (53) of Klakovich into a slot that extends from the rear edge of the outer rail. The motivation is to make a simple low cost rail assembly that occupies small space (Otte '495, line 13-22).

12. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,133,768 to Klakovich in view of U.S. Patent 1,301,495 to Otte and U.S. Patent 3,059,986 to Miller as applied to claims 1-3, 7, 10, and 11 above, and further in view of U.S. Patent 3,751,126 to Hudson. Klakovich '768 in view of Otte '495 and Miller '986 discloses every element as applied to claims 1-3, 7, 10, and 11 above except the protrusion formed in the guiding flange. Hudson '126 discloses a runner system for a shelf that has outer rail (2) and an inner rail (3). The outer rail (2) has a slot (5) formed in the guide flange that is engaged by a protrusion (8) on the inner rail (3). It would have been obvious at the time of the invention for a person of ordinary skill in the art to take the modified rail assembly of Klakovich in view of Otte and Miller and use the teaching of Hudson to move the slot to the guide flange to make the glide smaller.

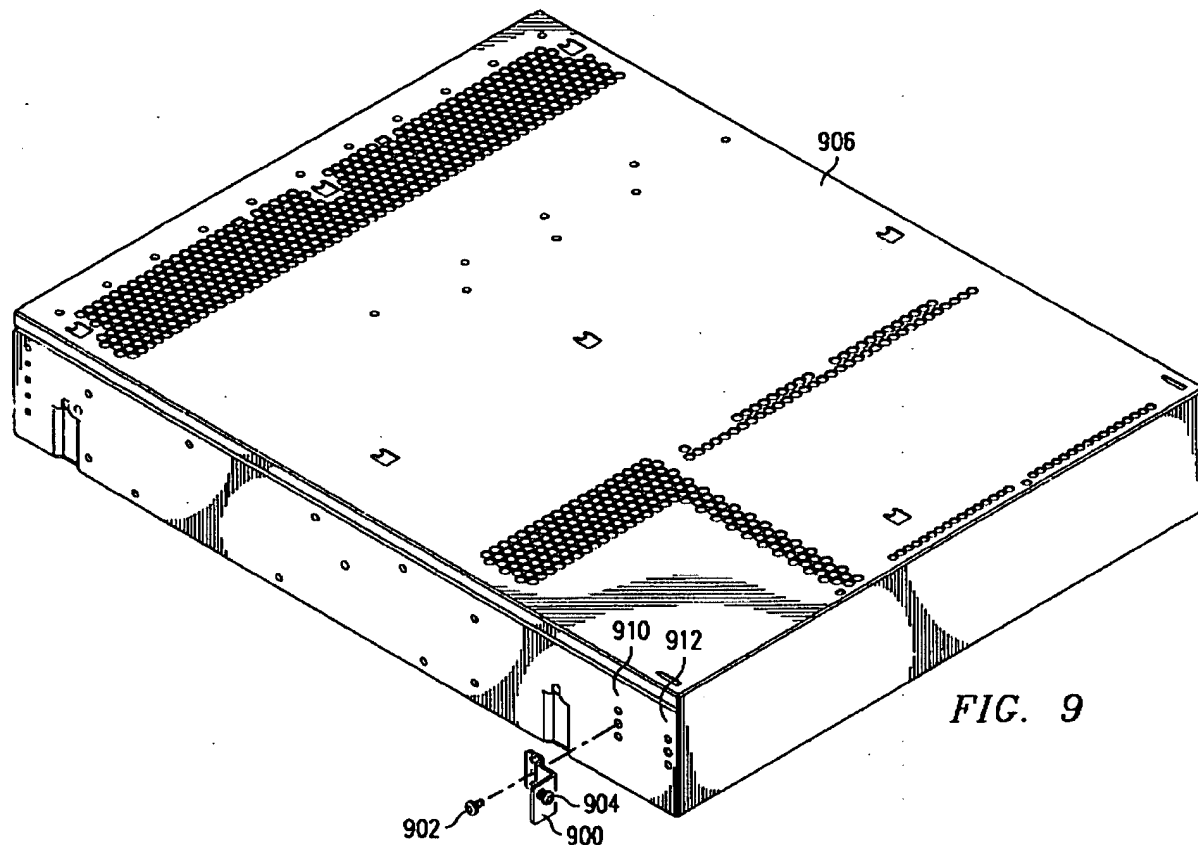


Hudson '126 Figure 1

13. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 1,301,495 to Otte in view of U.S. Patent 6,578,939 to Mayer. Otte '495 discloses a rail assembly with a rail bracket (11,19) mounted in a sidewall of a cabinet. An outer rail (14) is movably received in the front part of the rail bracket (11) and a inner rail (17) is movably received in the outer rail (14). An acting member (18) is formed on the inner rail (17) and engages a blocking member (16) on the outer rail (14) as to urge the outer rail forward to fully extend the rail assembly. A slot (15) is formed in the outer rail (14) and is engaged by a protrusion (12) that is directly stamped from the rail bracket (11). When the outer rail (14) is fully withdrawn then the protrusion (12) abuts a distal end of the slot (15) to stop the relative movement of the outer rail (14) to the rail

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bracket (11). Otte '495 does not expressly disclose a second abutment structure attached at a front end of one of the side faces of the server. Mayer '939 discloses a second abutment structure (900) that is attached via screws (902) to positions (910,912) on the side of server (906).

*FIG. 9*

Mayer '939 Figure 9

At the time of the invention it would have been obvious for a person of ordinary skill in the art to use rail assembly of Otte for the server and second abutment structure of Mayer to be able to adjust the rack depth of the server (Mayer '939, col. 3m line 60-64).

***Response to Arguments***

14. Applicant's arguments with respect to claims 1-7 and 9-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
10/31/05



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